SINGLE BENCH

(4)

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CF100 J

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

WRIT PETITION (S) NO. 980 / 2007

PETITIONER :**Sukhbati Bai**
W/o Nawal Verma
Aged about 59 years
R/o- Village Attaria Bazar, P.O-Kusbhi,
Tehsil- Khairagarh,
Dist- Rajnandgoan (C.G)

P.R. No. 125362
Presented on 12/2/07
dated

Versus

RESPONDENTS 1. **State of Chhattisgarh**
Through the Secretary,
Public Works Department,
D.K.S. Bhawan, Raipur (C.G)

RECEIVED-COPY
12/2/07
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2. Finance Secretary,
State of Chhattisgarh
D.K.S. Bhawan Raipur (C.G)

OATH COMMISSIONER
APARNA MALVIYA
CG-2073/96
Bilaspur Chhattisgarh

3. Sub-Divisional Officer
Sub-Division Office C.G PWD,
PWD Office, Khairagarh,
Dist- Rajnandgoan (C.G)

WRIT PETITION UNDER ARTICLE 226 OF THE CONSTITUTION OF INDIA FOR ISSUANCE OF A SUITABLE WRIT ORDER OF DIRECTION TO DO JUSTICE IN THE MATTER.

DETAILS OF THE PETITION.

(27)

HIGH COURT OF CHHATTISGARH AT BILASPUR

SINGLE BENCH : HON'BLE MR. SATISH K. AGNIHOTRI, J.

WRIT PETITION (S.) NO.980 OF 2007

Petitioner : Sukhbati Bai

versus

Respondents : State of Chhattisgarh and others

Present : Mr. H.S.Ahluwalia, counsel for the petitioner.
Ms. Deepali Pandey, Panel Lawyer for the State/respondents.

ORDER

(Passed on 20th Day of February, 2007)

Learned counsel appearing for the petitioner submits that the petitioner, who is working as permanent gangman in the Public Works Department (Building/Road), Khairagarh, seeks a relief that the petitioner, being permanent gangman, be retired at the age of 62 years in accordance with the Chhattisgarh Shaskiya Sevak (Adhivarshiki-Ayu) Adhiniyam, 1967 (for short 'the Act, 1967') read with Fundamental Rule 56.

2. According to learned counsel for the petitioner, the petitioner attained the status of permanent employee, as defined under Rule 2(c) of the Chhattisgarh (Workcharged and Contingency Paid Employees) Pension Rules, 1979, framed under Article 309 of the Constitution of India. After having attained the status of the permanent

employee, the petitioner would retire on attainting the age of 62 years on superannuation under the provisions of the Act, 1967.

3. Learned counsel appearing for the petitioner submits that the case of the petitioner is squarely covered by the decision of this Court passed on 4th January, 2007 in Writ Petition No.108 of 2005 (*Govind* vs. *State of Chhattisgarh and others*) and other connected matters.

4. Learned counsel appearing for the State/respondents does not dispute the submissions made by learned counsel appearing for the petitioner.

5. The respondents are at liberty to consider the facts of the case as to whether the petitioner has completed 15 years of service as gangman. In the event, it is found that the petitioner has completed 15 years of service, the case shall be governed by the decision of this Court in the matter of *Govind* vs. *State of Chhattisgarh and others* (supra).

6. Accordingly, the petitioner, who is permanent gangman, is entitled to retire on attaining the age of 62 years in accordance with the provisions of the Act, 1967.

7. Thus, the writ petition is allowed. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Gopal